

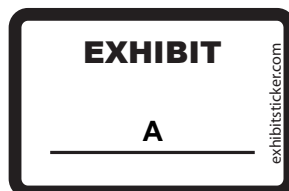
IN THE IOWA DISTRICT COURT IN AND FOR WINNEBAGO COUNTY

SHAUNI TURNMEYER-COOK,)	
)	CASE NO. _____
Plaintiff,)	
)	
v.)	PETITION AT LAW
)	AND JURY DEMAND
WINNEBAGO INDUSTRIES, INC.,)	
)	
Defendant.)	

COMES NOW the Plaintiff, Shauni Turnmeyer-Cook, and, by and through counsel, states the following causes of action against the Defendant, Winnebago Industries, Inc.:

GENERAL ALLEGATIONS

1. The Plaintiff, Shauni Turnmeyer-Cook, is a citizen and resident of Woden, Hancock County, Iowa.
2. The Defendant, Winnebago Industries, Inc., is a corporation incorporated under the laws of the State of Iowa. Winnebago Industries, Inc., does business at a location in Forest City, Winnebago County, Iowa.
3. This action is instituted pursuant to the Americans With Disabilities Act, 42 USC § 12101 *et seq.*, and the Iowa Civil Rights Act, Chapter 216 of the Code of Iowa, as well as the common law of the State of Iowa.
4. Ms. Turnmeyer-Cook timely filed a complaint regarding the matters stated herein with the Iowa Civil Rights Commission and with the Equal Employment Opportunity Commission. She has requested and received an administrative release from each agency, attached hereto as Exhibits 1 and 2. Ms. Turnmeyer-Cook now files this Petition within ninety days of receiving such "right-to-sue" letters.



COUNT ONE:
Disability Discrimination
Under the Americans With Disabilities
Act and the Iowa Civil Rights Act

6. Defendant Winnebago Industries, Inc., has the requisite number of employees to be covered by both the federal Americans With Disabilities Act and the Iowa Civil Rights Acts.

7. Ms. Turnmeyer-Cook was employed by Winnebago Industries, Inc., from September 29, 2014, through October 8, 2015.

8. During all of that time, Ms. Turnmeyer-Cook suffered a workplace injury to her knee, limiting her ability to kneel, bend, stoop, squat, etc.

9. Ms. Turnmeyer-Cook thus had a permanent impairment of the functioning of her knee that substantially limited her major life activities.

10. Ms. Turnmeyer-Cook's knee injury constituted a disability as defined by both the Americans With Disabilities Act and the Iowa Civil Rights Act.

11. Winnebago Industries, Inc., nevertheless gave Ms. Turnmeyer-Cook work to do that caused her knee additional stress and pain.

12. Ms. Turnmeyer-Cook required therapy for her knee injury, which in turn required her to be away from work periodically.

13. Winnebago Industries, Inc., could have accommodated Ms. Turnmeyer-Cook's knee injury by permitting her to perform tasks which did not cause her knee to experience additional distress and by permitting her to be away from work for brief periods of time for her therapy appointments.

14. On October 8, 2015, Ms. Turnmeyer-Cook was fired from Winnebago Industries, Inc., for "absenteeism," even though those absences were necessitated by therapy appointments for her knee injury.

15. Despite her disability, Ms. Turnmeyer-Cook could have performed the essential functions of her job had she not been terminated.

16. In this way, Winnebago Industries, Inc., terminated Ms. Turnmeyer-Cook because of her disability, actually or constructively.

17. Winnebago Industries, Inc.'s conduct in this regard is in violation of Iowa Code § 216.6 and 42 U.S.C. § 12101 *et seq.*

18. Winnebago Industries, Inc.'s conduct in this regard has been the cause of damages to Ms. Turnmeyer-Cook, including but not limited to back pay, front pay, lost employment benefits, and other pecuniary losses, and emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses.

19. Additionally, Winnebago Industries, Inc., acted with malice or reckless indifference to Ms. Turnmeyer-Cook's right not to be discriminated against on the basis of her disability.

WHEREFORE, the Plaintiff, Shauni Turnmeyer-Cook, prays for a judgment in her favor against the Defendant, Winnebago Industries, Inc., in an amount that will fairly and adequately compensate Ms. Turnmeyer-Cook for the injuries and damages she has stated herein, as well as for punitive damages, attorneys' fees and for the costs of this action, including expert witness fees, and any and all relief that may be just and equitable under the circumstances and consistent with the purposes of the Iowa Civil Rights Act, Iowa Code Chapter 216, and 42 U.S.C. § 12101 *et seq.*

COUNT TWO:
Workers Compensation Retaliation

20. Ms. Turnmeyer-Cook re-pleads the allegations of ¶¶ 1-19 as if set forth fully herein and incorporates the same by reference herein.

21. Discharging an injured employee for asserting the statutory right to receive workers compensation benefits violates the public policy of the State of Iowa.

22. Winnebago Industries, Inc., terminated Ms. Turnmeyer-Cook's employment because she pursued workers compensation benefit and, in particular, treatment for her workplace injuries.

23. Such a termination violates the public policy of the State of Iowa cited above.

24. Winnebago Industries' termination of Ms. Turnmeyer-Cook in violation of the public policy of the State of Iowa is the legal cause of damages to Ms. Turnmeyer-Cook.

25. Winnebago Industries' termination of Ms. Turnmeyer-Cook in violation of the public policy of the State of Iowa was willful and wanton, and it was done in malice or reckless disregard of Ms. Turnmeyer-Cook's rights, entitling Ms. Turnmeyer-Cook to exemplary or punitive damages.

WHEREFORE, the Plaintiff, Shauni Turnmeyer-Cook, prays for a judgment in her favor against the Defendant, Winnebago Industries, Inc., in an amount that will fairly and adequately compensate Ms. Turnmeyer-Cook for the injuries and damages she has stated herein, as well as for punitive damages, the costs of this action, and any and all relief that may be just and equitable under the circumstances.

CERTIFICATION OF JURISDICTIONAL AMOUNT

The undersigned hereby certifies pursuant to Iowa Code § 619.18 that this action meets the applicable requirements for amount in controversy in the Iowa District Court in and for Winnebago County.

JURY DEMAND

The Plaintiff, Shauni Turnmeyer-Cook, demands that a jury be impaneled to decide all issues so triable in this matter.

DUTTON, BRAUN, STAACK
& HELLMAN, P.L.C.
Attorneys for Plaintiff

BY:



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3151 Brockway Road
P.O. Box 810
Waterloo, IA 50704
(319) 234-4471
(319) 234-8029 FAX
Email: lyonse@wloolaw.com

Administrative Release
(Letter of Right-To-Sue)

To:) From:
MS. SAHAUNI TURNMEYER-COOK)
PO BOX 84) Iowa Civil Rights Commission
WODEN, IA 50484) Grimes State Office Building
) 400 E. 14 th Street
) Des Moines, Iowa 50319
Complaint CP# 02-16-68607	EEOC# 26A-2016-00367C

This is your Administrative Release (Right-To-Sue) Letter issued pursuant to Iowa Code § 216.16 and 161 Iowa Administrative Code Section § 3.10. It is issued pursuant to your request.

The conditions precedent found in 161 Administrative Code § 3.10(2) have been met.

With this Right-To-Sue Letter, you have the right to commence an action in district court. That action must be commenced within ninety (90) days of the Right-To-Sue Letter issuance date, **5/4/2016**. The Right-To-Sue Letter is not a finding by the ICRC on the merits of the charge. The ICRC will take no further action in this matter.

A copy of the Right-To-Sue Letter has been sent to the Respondent(s) as shown below. The Administrative Code allows any party to obtain a complete copy of the case file after a Right-To Sue Letter has been issued. Requests for copies should be directed to Kaitlin Smith at kaitlin.smith@iowa.gov

The Iowa Civil Rights Commission
Phone: (515) 281-4121
FAX: (515) 242-5840

cc: File
ERIN PATRICK LYONS, Complainant's Attorney
WINNEBAGO INDUSTRIES INC.

ICRC/S36 (24)



NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Sahauni E. Turnmeyer-Cook
Po Box 84
Woden, IA 50484

From: Milwaukee Area Office
310 West Wisconsin Ave
Suite 500
Milwaukee, WI 53203

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

26A-2016-00367

Pamela A. Bloomer,
State & Local Coordinator

(414) 297-4056

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

☐

More than 180 days have passed since the filing of this charge.

☒

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

☒

The EEOC is terminating its processing of this charge.

☐

The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

☐

The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.

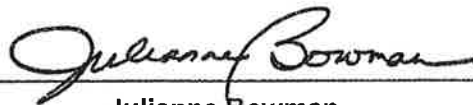
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The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



Julianne Bowman,
District Director

MAY 18 2016

(Date Mailed)

Enclosures(s)

cc: WINNEBAGO INDUSTRIES
Attn: Human Resource Manager
605 CRYSTAL LAKE ROAD
Forest City, IA 50436

DUTTON BRAUN STAACK & HELLMAN, PLC
Attn: Erin Patrick Lyons
3151 BROCKWAY ROAD
PO BOX 810
Waterloo, IA 50704

EXHIBIT

2

Return of Service

IN THE IOWA DISTRICT COURT IN AND FOR WINNEBAGO COUNTY

SHAUNI TURNMEYER COOK
VS
WINNEBAGO INDUSTRIES

Case Number: LACV017716
Civil Number: 16-000330
Date Received: 07/25/2016 @ 10:38
Date Printed: 07/26/2016 @ 13:29

STATE OF IOWA
WINNEBAGO COUNTY }

I hereby certify that I served a copy of:

ORIGINAL NOTICE
PETITION

To: WINNEBAGO INDUSTRIES at 605 WEST CRYSTAL LAKE RD, FOREST CITY, IA 50436
on 07/26/2016 @ 08:45 Type of Service: CORPORATION/ASSOCIATION

Remarks:

Case Notes: PETITION AT LAW AND JURY DEMAND

Fees:

Service Fees:	15.00
Mileage:	3.50
Copies:	0.00
Total:	18.50

DAVID C. PETERSON, SHERIFF
WINNEBAGO COUNTY

By: 

DEPUTY MIKE DROESSLER

Paid By: *Dutton, Braun, Staack & Hellman*
Date: *8-1-16*
Check #: *095156*